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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/559,859 | 01/23/2006 | Neil Colvin Bremner | CAF-34802/03 | 7420 |
| 25006 | 7590 | 11/15/2007 | EXAMINER | |
| GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C | | | MEYER, KATY E | |
| PO BOX 7021 | | | ART UNIT | |
| TROY, MI 48007-7021 | | | PAPER NUMBER | |
| | | | 3618 | |
| | | | MAIL DATE | |
| | | | DELIVERY MODE | |
| | | | 11/15/2007 | |
| | | | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,859

Applicant(s)

BREMNER, NEIL COLVIN

Examiner

Katy Meyer

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 33-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/22/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on March 22, 2006 is incorrectly labeled as having been submitted on December 7, 2005.

Otherwise, the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Election/Restrictions

Claims 33 – 42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 1, 2007.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 30 (page 5, line 18) and 44 (page 5, line 20). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 8, 16, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said spine" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said web" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitations "said first portion" and "said second portion" in lines 2 – 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "said tops" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 12 – 17, and 20 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Airey, Jr. (US 4,911,292) in view of Fite (US 2,665,727).

Airey, Jr. discloses a golf bag (Fig. 2) having a closed base (13) and a top (14) having an aperture for receiving golf clubs (see Fig. 2), said base and said top being interconnected by at least one tubular member (11). Airey, Jr. does not disclose a plurality of apertures in the sidewalls of the tubular member. Fite teaches a golf bag (Fig. 1) wherein the sidewalls of a tubular member (11) comprise a series of rectangular apertures constituting a mesh construction (see Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the golf bag disclosed by Airey, Jr. with the mesh sidewalls taught by Fite to decrease the weight of the bag, and to facilitate the drying of the bag and the clubs it carries (see Fite, column 1, lines 14 – 19 and 46 – 51).

Airey further discloses a first portion (11) having a base (13) and a top (14) that is in part the same shape as the base, and a second portion (12) having a base (21) and a top (22), which are similar in plan view. The base of the second portion fits in the base of the first portion, and the tops of the first and second portions form a combined shape, which is substantially the same as the base of the first portion (see Fig. 4 and column 3, lines 1 – 3). A latch mechanism (34) holds the tops together (see Figs. 6 – 8). The first and second portions comprise nesting surfaces so that the second portion can be nested within the first portion (see column 3, lines 1 – 3).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Airey, Jr. (US 4,911,292) in view of Fite (US 2,665,727) as applied to claim 1 above, and further in view of DeMichele (US 6,330,944).

Airey, Jr. and Fite meet all the limitations of the claimed invention, but do not disclose a molding process. DeMichele teaches a golf bag wherein the tubular member is formed by a molding process (column 4, lines 33 – 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tubular member taught by Airey, Jr. and Fite using a molding process taught by DeMichele, as molding is a widely used process for imparting a specified shape and surface structure to a large workpiece.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Airey, Jr. (US 4,911,292) in view of Fite (US 2,665,727) as applied to claim 1 above, and further in view of Lawson (US 6,186,016).

Airey, Jr. and Fite meet all the limitations of the claimed invention, but do not disclose a forming process involving sheet material. Lawson teaches a golf bag wherein the tubular member is formed by joining longitudinal sides of a piece of sheet material (see claim 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tubular member taught by Airey, Jr. and Fite using a the process taught by Lawson, as it is well known that joining the edges of a piece of sheet material forms a tube.

Claims 1 – 3 and 6 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carolan (US 4,792,152) in view of Fite (US 2,665,727).

Carolan discloses a golf bag (Fig. 2) having a closed base (22) and a top (20) having an aperture for receiving golf clubs (see Fig. 1), said base and said top being interconnected by at least one tubular member. Carolan does not disclose a plurality of

apertures in the sidewalls of the tubular member. Fite teaches a golf bag (Fig. 1) wherein the sidewalls of a tubular member (11) comprise a series of rectangular apertures constituting a mesh construction (see Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the golf bag disclosed by Carolan with the mesh sidewalls taught by Fite to decrease the weight of the bag, and to facilitate the drying of the bag and the clubs it carries (see Fite, column 1, lines 14 – 19 and 46 – 51).

Carolan further discloses a hollow, rigid spine (10) receiving a handle (12). A web portion (26, 28) is located adjacent both the top (see 26) and the base (see 28). A substantial portion of the length of the base is not covered by the web portion (see Figs. 1 – 3).

Claims 1 – 3, 18, 19, and 23 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 5,632,496) in view of Fite (US 2,665,727).

Nelson discloses a golf bag (Fig. 3) having a closed base (24) and a top (20) having an aperture for receiving golf clubs (see Fig. 8), said base and said top being interconnected by at least one tubular member (16). Nelson does not disclose a plurality of apertures in the sidewalls of the tubular member. Fite teaches a golf bag (Fig. 1) wherein the sidewalls of a tubular member (11) comprise a series of rectangular apertures constituting a mesh construction (see Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the golf bag disclosed by Nelson with the mesh sidewalls taught by Fite to decrease the weight of

the bag, and to facilitate the drying of the bag and the clubs it carries (see Fite, column 1, lines 14 – 19 and 46 – 51).

Nelson further discloses a removable cover (14). A second portion (70) is held to the first portion (12) by said cover (see Fig. 1). The cover is made from a flexible natural or synthetic material (see column 4, lines 44 – 45). The cover is secured to said bag adjacent said top and on said base (see Fig. 1). The cover is secured to the bag by spigots and eyelets (225), see Fig. 21.

Claims 1 – 3 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longo (US 3,980,115) in view of Fite (US 2,665,727).

Longo discloses a golf bag (Fig. 3) having a closed base (22) and a top (24) having an aperture for receiving golf clubs (18), said base and said top being interconnected by at least one tubular member (10). Longo does not disclose a plurality of apertures in the sidewalls of the tubular member. Fite teaches a golf bag (Fig. 1) wherein the sidewalls of a tubular member (11) comprise a series of rectangular apertures constituting a mesh construction (see Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the golf bag disclosed by Longo with the mesh sidewalls taught by Fite to decrease the weight of the bag, and to facilitate the drying of the bag and the clubs it carries (see Fite, column 1, lines 14 – 19 and 46 – 51).

Longo further discloses a plurality of tubular members (12) and apertures through the top.

Claims 28 – 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Airey, Jr. (US 4,911,292) in view of Fite (US 2,665,727) as applied to claim 1 above, and further in view of Fester et al. (US 3,521,897) and Descalo (US 3,351,983).

Airey, Jr. and Fite meet all the limitations of the claimed invention, but do not disclose a wheel assembly. Fester et al. teach an undercarriage (11) having two first class levers (17B, 18B) with a common fulcrum (27), wherein the proximal ends of said levers clamp a fitment when the distal ends of the levers are spaced from each other. Descalo teach a golf bag (Fig. 1) including a fitment (16) allowing an undercarriage to be attached thereto. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make a golf bag with the undercarriage taught by Descalo, using the attachment means taught by Fester et al. so that the undercarriage could be removed for when the bag is being carried or stored.

Descalo further discloses wheels (24) rotatably mounted at the distal ends of the levers. The levers are held in a spaced relation to each other by a length-adjustable strut (18). The undercarriage is collapsed by collapsing said strut (18).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is 571-272-5830. The examiner can normally be reached on Monday - Friday, 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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